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EXAMINER

HAMZA, FARUK

| ART UNIT | PAPER NUMBER |
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2155

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,995

Applicant(s)

KOKKINEN ET AL.

Examiner

Faruk Hamza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to the amendment filed on July 22, 2005. Claims 1-14 have been cancelled. Claims 15-26 have been newly added. Claims 15-26 are now pending.

2. Newly submitted claim 25 and 26 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 25 presents claim limitation "second cellular-system protocol" and "service controller server". Claim 26 presents claim limitation "plurality of fixed nodes" and "dynamically re-routing mesh or ad-hoc wireless network".

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25 and 26 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Leuca et al. (U.S. Patent Number 6,201,797) hereinafter referred as Leuca.

Leuca teaches the invention as claimed including a method and a communication system in which a request for data transmitted by an airborne transmitter over a low-bandwidth air-to-to ground communication system uplink and received by a ground-based receiver (See abstract).

As to claim 15, Leuca teaches a server for use in a vehicle including a first wireless interface providing a connection on a customer basis, for local user terminals to the server, to enable access to local content on the server, and a second wireless interface providing a connection to an external mobile network, to enable access to remote content on remote servers, and a third wireless

interface for providing a broadband connection, to an external network, to enable access to remote content on remote servers (Column 2, lines 48- Column 4, lines 61, Leuca discloses interface to access local content on the server and access remote content from remote server and broadband connection).

As to claim 16, Leuca teaches a server as in claim 15, comprising detection means for determining a presence of an external network capable of making a broadband connection with the third wireless interface (Column 3, lines 4-29; Column 4, lines 46-61).

As to claim 17, Leuca teaches a server as in claim 16, comprising access control means, responsive to the detection means, for determining utilization of the second and third interfaces (Column 3, lines 4-29; Column 4, lines 46-61; Column 5, lines 29-47).

As to claim 18, Leuca teaches a server as in claim 17, comprising content update means for updating the local content on the server via the third wireless interface (Column 3, lines 45-Column 4, lines 8).

As to claim 19, Leuca teaches a server as claimed in claim 15 comprising a computer programmed to operate as a world wide web server and including first and second network data adapters providing the first and second wireless

interfaces, respectively (Column 3, lines 45-Column 4, lines 8).

As to claim 20, Leuca teaches a server as claimed in claim 19, wherein a third network data adapter provides the third wireless interface (Column 3, lines 45-Column 4, lines 8).

As to claim 21, Leuca teaches a method of providing content using a server, which is installed in a vehicle, including a first wireless interface providing a connection to local customer terminals and a second wireless interface providing a connection to an external mobile network, the method comprising providing content located locally in the server and content located in a remote server and accessed by the second wireless interface, updating the local content via a third wireless interface capable of making a broadband connection with an external network, wherein the local and remote content are accessible by a local customer's terminal via the first wireless interface (Column 2, lines 48- Column 4, lines 61, Leuca discloses interface to access local content on the server and access remote content from remote server and updating local content).

As to claim 22, Leuca teaches a method as claimed in claim 21, comprising restricting access by the local customer's terminal to content on remote servers (Column 2, lines 29-47) .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuca (U.S. Patent Number 6,201,797) as applied above, and further in view of Eranko (U.S. Patent Number 6,801,934).

Leuca teaches the invention substantially as claimed including a method and a communication system in which a request for data transmitted by an airborne transmitter over a low-bandwidth air-to-to ground communication system uplink and received by a ground-based receiver (See abstract).

As to claim 23, Leuca teaches a method as claimed in claim 21 (Column 2, lines 48- Column 4, lines 61)

Leuca does not explicitly teach the claim limitation of generating revenue for service.

However, Eranko teaches generating revenue for service (Column 2, lines 58-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leuca by adding charging capability, which enhance the efficiency of the system. One would be motivated to do so to improve system's capability and make the system more profitable.

As to claim 24, Leuca teaches a method as claimed in claim 23, wherein the server provides an internet portal to the customers (Column 2, lines 48- Column 4, lines 61).

Leuca does not explicitly teach the claim limitation of charging.

However, Eranko teaches charging for service (Column 2, lines 58-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leuca by adding charging capability, which enhance the efficiency of the system. One would be motivated to do so to improve system's capability and make the system more profitable.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER